

REMARKS

By way of the July 22, 2009 response filed as an RCE Submission under 37 C.F.R. §1.114, Applicant cancelled the previously presented claims 1-225 without prejudice, limitation, waiver or estoppel and added claims 226-241. Claims 226 and 234 are in independent form.

No amendments have been made to the claims in this supplemental response. Applicant is submitting herewith a complete listing of the pending claims, including updated status identifiers since the claims are no longer "new".

Favorable reconsideration of the present patent application as currently constituted is respectfully requested.

Regarding the Notice and Pending Claims

In the Notice of October 19, 2009, the following comments were provided:

1. The reply filed on 7/22/2009 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

Applicant has failed to specifically point out how the language of new claims 226-241 patentably distinguishes them from the references. Applicant has stated only that "none of the applied art or record, either alone or in any reasonable combination, discloses, anticipates or suggests the foregoing features" (Remarks 9). Applicant's arguments fail to

comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE(1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment.

Without necessarily acquiescing in the characterization provided in the Notice regarding Applicant's July 22, 2009 response, Applicant sets forth the following remarks. Claims 226-241 added by way of the Prior Response aim to obtain coverage for hitherto unclaimed subject matter to which Applicant is believed to be entitled. Base claim 226 is directed to an embodiment of a key distribution method for management of keys used for encryption of data items redirected between a messaging server and a mobile device associated with a user. As currently constituted, the key distribution method involves, *inter alia*, generating a first pair of keys by a redirector component associated with the messaging server and generating a second pair of keys by a mobile device. Each pair includes a respective public key that is provided to a key repository. Base claim 234 is directed to an embodiment of a key distribution system that recites substantially identical features.

Applicant notes that the following references were principally relied upon in the May 13, 2009 Final Office Action for maintaining rejections under 35 U.S.C. §103(a): (i) "AirMobile Software of Lotus cc:Mail Wireless: Communication Server Guide" (hereinafter the *AirMobile* reference); (ii) U.S. Patent No 6,807,277 to Doonan et al. (hereinafter the *Doonan* reference); and (iii) U.S. Patent No. 6,807,277 to Sussman (hereinafter the *Sussman* reference). The following additional secondary/tertiary references were also applied in certain combinations with respect to rejections of certain dependent claims: (i) U.S. Patent Application Publication No. 2005/0278641 to Mansour et al. (hereinafter the *Mansour* reference); and (ii) ARDIS ("ARDIS Begins Shipping New Lan-Based E-Mail Software; First Wireless Data Network to Offer Solution for Microsoft Mail and Lotusr (sic) cc:Mail Applications; Supports New Motorola Envoy 150 Wireless Communicator"; hereinafter the *ARDIS* reference), in addition to Official Notice.

The *AirMobile* reference is directed to forwarding a user's email to a mobile device. As the Examiner has acknowledged in the Office Action of May 13, 2009, *AirMobile* fails to teach encrypting the messages prior to transmitting them, either from a server component or from a mobile device. At a minimum,

therefore, *AirMobile* does not anticipate or suggest at least the following features: generating a second pair of keys at a mobile device, the second pair of keys including a public key and a private key; and storing the private key of the second pair of keys at the mobile device and providing the public key of the second pair of keys to a key repository. Additionally, *AirMobile* is also deficient with respect to, *inter alia*, exchanging the public keys of the first and second pairs of keys between the mobile device and a redirector component associated therewith.

Doonan is directed to a secure messaging system that utilizes a key server. As *Doonan* discloses with reference to FIG. 2, whenever sender 100 wants to send an encrypted message, sender 100 sends a request (220) for a key to key server 106, which returns (222) an encryption key to sender 100 and makes a decryption key available on request to recipient 102. *Doonan* does not, however, disclose that the encryption key is generated at a computer system associated with the user. *Doonan's* key server is not a computer operated by the user, so the key is not generated at a computer associated with the user, i.e., the sender. Nor does *Doonan* appear to teach or suggest that recipient 102 is capable of generating a pair of keys including a public key and a private key for subsequent storing of the public

key with a depository. Thus, it is clear that *Doonan* is entirely deficient with regard to a mobile device generating any set of keys, storing a public key or exchanging the same with a redirector component associated therewith.

On the other hand, reliance on the *Sussman* reference is of no avail, either. *Sussman* appears directed to a secure electronic commerce system that electronically emulates the so-called Mail Order/Telephone Ordering (MOTO) process on the Internet. The *Sussman* system includes customer and merchant network address verification and discloses that a session key may be generated based on mouse and keyboard input at a computer for certain cryptographic techniques. See column 9, lines 1-4. While various types of customer premise equipment (CPE) such as e.g., web phones 2, PDAs 4 and web cell phones 5, are disclosed, there appears to be no teaching, however, relative at least with respect to a mobile device generating any set of cryptographic keys and sharing a public key component with a redirector or a depository.

The additional secondary/tertiary references, i.e., *Mansour* and *ARDIS* references, either separately or in any combination including Official Notice, do not cure the deficiencies of the *AirMobile*, *Doonan* and *Sussman* references. *Mansour* is directed to

a Java calendar application delivered to a web browser. *Mansour* notes that encryption is an important feature, but does not disclose any details of the encryption process, especially with respect to a mobile device generating cryptographic keys, let alone exchanging them with another entity. The *ARDIS* reference is a marketing announcement of electronic mail software that supports remote access to LAN-based email systems. None of these references, either alone or in any combination with the remainder of the art of record, discloses or suggests any of the claimed features relating to a mobile device generating a pair of cryptographic keys including a public key and a private key; storing the private key at the mobile device; providing the public key to the key repository; and exchanging the same with a redirector component associated the mobile device.

At least for the foregoing reasons, it is believed that pending claims 226-241 are patentably distinguishable over the applied art of record.

In view of the aforesaid remarks, it is therefore believed that Applicant's cumulative response is in compliance and fully responsive to the prior Office Action.

Reservation of Rights

Notwithstanding the foregoing, Applicant reserves all rights not exercised in connection with this response, such as, e.g., the right to challenge or rebut any tacit or explicit characterization of any reference or of the present claims, the right to challenge any Official Notice(s) taken, the right to challenge or rebut any asserted factual or legal basis of any of the rejections of the present Office Action, or the right to swear behind any cited reference such as provided under 37 C.F.R. §1.131 or otherwise.

Fee Statement

Compared to the highest number previously paid for, the total number of claims and the number of independent claims have not increased. No petition for an extension of the reply period is being made. Applicant believes no fees are due for the filing of this supplemental response. If any fees are due or any overpayments have been made, however, please charge or credit our deposit account (Deposit Account No. 03-1130).

SUMMARY AND CONCLUSION

In view of the fact that none of the art of the record, whether considered alone or in combination discloses, anticipates or suggests the presently pending claims and in further view of the above amendments as proposed and remarks, reconsideration of the Action and allowance of the present patent application are respectfully requested and are believed to be appropriate.

Respectfully submitted,

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